

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAYMOND C. KURZWEIL

Appeal 2009-014418
Application 10/734,617
Technology Center 3600

Mailed: December 11, 2009

Before DALE M. SHAW, *Chief Appeals Administrator*

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 17, 2009. A Docketing Notice was mailed and Appeal No. 2009-014481 was assigned on August 17, 2009. A review of the application has revealed that the application was not ready for an appeal.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed on August 12, 2009, in response to the Examiner's Answer mailed June 12, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

Accordingly, it is

ORDERED that the application is remanded to the Examiner to reopen prosecution in accordance with the Appellants' May 07, 2009 request.

- 1) consider the Reply Brief filed August 12, 2009, as indicated above;
- and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/jgr

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